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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,257	04/06/2001	Louis D. Giacalone JR.	17996-15 US	4988
21839	7590	07/01/2004		
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				
			EXAMINER PATEL, HARESH N	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/828,257

Applicant(s)

GIACALONE, LOUIS D.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1-12 are presented for examination.

#### *Priority*

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

#### *Specification*

3. The section "CROSS-REFERENCE TO RELATED APPLICATIONS" is missing co-pending application serial number.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The present title is not sufficient for proper classification of the claimed subject matter.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-6, 9-11, are rejected under 35 U.S.C. 102(e) as being anticipated by Stone et al. 6,446,045 (Hereinafter Stone).

7. As per claim 1, Stone teaches the following:

a system for scheduling the distribution of content utilizing a network, comprising (e.g., scheduling of advertising/publishing content over the network, col., 3, line 13 – col., 4, line 55) :

a database for storing content (e.g., figure 2A);

a server coupled to the database (e.g., network, database, server, col., 3, line 13 – col., 4, line 55), the server being capable of receiving input preferences relating to parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering (e.g., advertisement related events, col., 3, line 13 – col., 4, line 55),

a scheduling algorithm executed on the server for generating schedule data utilizing the input preferences (e.g., scheduling algorithms for handling user operating at kiosk provided devices, col., 3, line 13 – col., 4, line 55), the scheduling algorithm being based on predetermined methods of processing the input preferences (e.g., scheduling algorithms for handling advertisement/publishing related user selection at kiosk provided devices, col., 3, line 13 – col., 4, line 55); and

a network coupled between the database and the server for distributing the content and the schedule data to a plurality of output devices (e.g., distribution of real time dynamic content related to the scheduled advertisement/publishing information to the output devices of the kiosk, col., 3, line 13 – col., 4, line 55).

8. As per claims 2-6, 9-11, Stone teaches the following:

at least one remote communicative device coupled to said network for receiving and responding to said schedule data to communicate said content (e.g., use of kiosk over the supporting network, col., 5, line 1 – col., 6, line 65), said remote device being capable of storing the content and schedule data so that it can continue to function in the event of a loss of coupling with said network (e.g., display of scheduled advertisement at kiosk even if kiosk loosing connection from the network, col., 5, line 1 – col., 6, line 65),

at least some of said output devices are coupled to the network via an associated remote server, the remote server being capable of distributing the content and the schedule data to the associated output devices (e.g., figures 1a, 1b, 3f),

the remote server provides security between the associated output devices and the network (e.g., security provided by the network, server, col., 5, line 1 – col., 6, line 65),

a user interface coupled to the network for allowing a user to input and/or modify at least one of the schedule data and the content (e.g., figures 2c and 2d),

the schedule data is stored in the database with the content (e.g., figure 2b),

a user interface coupled to the network for updating the schedule data (e.g., figures 2c and 2d),

content from a variety of channels is distributed simultaneously to various ones of the output devices (e.g., kiosk output devices outputting simultaneous information based on separate information providers of the network, col., 5, line 1 – col., 6, line 65),

the database can be queried for information associated with at least one of the group consisting of billing, statistical analysis, merchandise, and performance monitoring

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(e.g., billing for the advertisement/publishing at the kiosk on the network, col., 5, line 1 – col., 6, line 65).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7, 8, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stones in view of “Official Notice”.

11. As per claims 7, 8 and 12, Stone teaches the claimed limitations as rejected under claim 1. Stone also clearly teaches the concept of using multiple database and referencing the parameters from one database to another. Stone also teaches that the network can be connected to any device that can communicate to the network for the processing of the content related to the communicating device.

However, Stones does not specifically mention about the details of claims 7, 8 and 12. “Official Notice” is taken that both the concept and advantages of providing a tag associated with the schedule data is stored with the content, separate schedule data database from content database, a gaming device coupled to the server and capable of communicating content associated with gaming is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a tag associated with the schedule data is stored with the content, separate schedule data database from content database, a gaming device coupled to the

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server and capable of communicating content associated with gaming with the teachings of Stones in order to facilitate usage of databases that contain separate data for content and schedule data. The tag associated with the schedule data stored with the content will help provide indication of when the content is scheduled to be used for a target device for execution. A gaming device connected to the server on the network will provide gaming related information that can be provided to the devices on the network for user presentation.

### *Conclusion*

12. Examiner makes a very clear note that the rational of the applicant's invention has been clearly taught by several references (see attached form PTO-892). Applicant's invention does contain few minor additional matters that facilitate the concepts of the applicant's invention. However, the additional minor matters are well known in the art. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.


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The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

June 23, 2004

  
ZARNI MAUNG  
PRIMARY EXAMINER